Public Health Service Act to provide programs for the treatment of mental illness.

S. 2696

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. GRAHAM), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2733

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from New York (Mr. SCHUMER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2779

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2779, a bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2857

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2857, a bill to amend title 11, United States Code, to exclude personally identifiable information from the assets of a debtor in bankruptcy.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. FRIST, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. HAGEL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. COLLINS), the Senator from Colorado (Mr. ALLARD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. GRAMS), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 133

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 133, a resolution supporting religious tolerance toward Muslims.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 329

At the request of Mr. L. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 329, a resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

AMENDMENT NO. 3702

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3702 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3811

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3811 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

## AMENDMENTS SUBMITTED

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

### MCCAIN (AND OTHERS) AMENDMENT NO. 3917

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. GREGG, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUGAR PROGRAM.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

## CAMPBELL (AND OTHERS) AMENDMENT NO. 3918

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. DORGAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra, as follows:

On page 50, line 22, before the period, insert the following: ''*Provided further,* That, of the funds made available under this heading, (1) $7,300,000 shall be used to purchase bison for the Food Distribution Program on Indian Reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) and to provide a mechanism for the purchases from Native American producers and cooperative organizations, and (2) $1,700,000 shall be used for the construction and installation of refrigeration facilities''.

## WELLSTONE AMENDMENTS NOS. 3919–3924

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

### AMENDMENT NO. 3919

On page 48, strike lines 12 through 16 and insert the following:

''(7 U.S.C. 612c): *Provided,* That, of the funds made available under this heading, $1,500,000 shall be transferred to and merged with the appropriation for ''Food and Nutrition Service, Food Program Administration'' for studies and evaluations: *Provided further,* That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further,* That of the funds made available under this heading, up to $6,000,000 shall be for''.

### AMENDMENT NO. 3920

On page 75, between lines 16 and 17, insert the following:

**SEC. 7 . SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**

(a) PAYMENT RATES.—

(1) IN GENERAL.—Section 13(b)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(B)) is amended—

(A) in clause (i), by striking ''$1.97'' and inserting ''$2.41'';

(B) in clause (ii), by striking ''$1.13'' and inserting ''$1.34''; and

(C) in clause (iii), by striking ''46 cents'' and inserting ''63 cents''.

(2) ADJUSTMENTS.—Section 13(b)(1)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(C)) is amended by striking ''1997'' and inserting ''2001''.

(b) STARTUP AND EXPANSION COSTS.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by inserting after subsection (h) the following:

''(i) STARTUP AND EXPANSION COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of subsection (a).

''(B) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by this section.

''(2) FUNDING.—

''(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary for fiscal year 2001 and each fiscal year thereafter $1,500,000 to make payments under this subsection.

''(B) ENTITLEMENT.—The Secretary shall be entitled to receive the funds and shall accept the funds.

''(3) USE.—The Secretary shall use the funds to make payments on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to State educational agencies in a substantial number of States for distribution to service institutions to assist the service institutions with nonrecurring expenses incurred in—

''(A) initiating a summer food service program for children; or

''(B) expanding a summer food service program for children.

''(4) ADDITIONAL FUNDING.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under other provisions of this section and section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)).

''(5) ELIGIBILITY.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand summer food service programs for children conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to service institutions in the State to initiate or expand the programs.

''(6) PAYMENTS.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

''(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under this Act; or

''(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

''(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

''(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

''(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

''(7) UNUSED AMOUNTS.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary) to carry out this subsection.

''(8) APPLICATION.—The Secretary shall allow a State to apply on an annual basis for assistance under this subsection.

''(9) PRIORITY.—In allocating funds within a State under this subsection, each State agency and State shall give preference for assistance under this subsection to service institutions that demonstrate the greatest need for a summer food service program for children.

''(10) NO REDUCTION OF EXPENDITURES.—Expenditures of funds from State and local sources for the maintenance of the summer food service program for children shall not be diminished as a result of payments received under this subsection.''.

### AMENDMENT NO. 3921

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . ANALYSES INVOLVING NET FARM INCOMES.—None of the funds appropriated by this Act shall be used to conduct analyses involving net farm incomes that do not—

(1) segregate the classifications of nonfamily farm entities (as defined by the Secretary of Agriculture); and

(2) separately categorize family farms with gross sales of $1,000,000 or more.

### AMENDMENT NO. 3922

On page 9, line 6, strike ''$67,038,000'' and insert ''$63,088,000, of which not less than $12,195,000 shall be used for food assistance program studies and evaluations''.

On page 23, line 21, strike ''$27,269,000: *Provided*,'' and insert ''$31,219,000: *Provided*, That not less than $3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further,*''.

### AMENDMENT NO. 3923

On page 47, strike ''$27,000,000'' on line 5 and all that follows through ''areas,'' on line 8 and insert ''$32,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account, of which not more than $5,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and''.

### AMENDMENT NO. 3924

On page 36, line 9, strike ''$749,284,000'' and insert ''$754,284,000''.

On page 36, strike lines 15 through 17 and insert the following:

''$66,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of that Act (7 U.S.C. 2009d(d)(3)) (of which $13,000,000 shall be for rural business opportunity grants under section 306(a)(11)(A) of that Act (7 U.S.C. 1926(a)(11)(A))): *Provided,* That of the amounts made available under this heading, $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of

Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account: *Provided further,* That of the total''.

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## JEFFORDS (AND OTHERS) AMENDMENT NO. 3925

Mr. JEFFORDS (for himself, Mr. WELLSTONE, Mr. DORGAN, Ms. SNOWE, Mr. GORTON, Mr. JOHNSON, Mr. LEVIN, Mr. BRYAN, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of title VII, add the following:

**SEC. . AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Medicine Equity and Drug Safety Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting ''and section 804'' after ''paragraph (2)''; and

(2) by adding at the end the following:

**''SEC. 804. IMPORTATION OF COVERED PRODUCTS.**

''(a) REGULATIONS.—

''(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

''(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

''(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

''(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

''(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

''(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

''(b) IMPORTATION.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

''(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

''(A) the name and amount of the active ingredient of the product and description of the dosage form;

''(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

''(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

''(D) the manufacturer's lot or control number of the product imported;

''(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

''(F) for a product that is—

''(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

''(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

''(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

''(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

''(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

''(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

''(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

''(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

''(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

''(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

''(d) STUDY AND REPORT.—

''(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

''(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

''(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

''(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

''(f) DEFINITIONS.—In this section:

''(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

''(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.''.

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## BAUCUS AMENDMENT NO. 3926

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra, as follows:

On page 161, between lines 14 and 15, insert the following new title:

**TITLE —BEEF INDUSTRY COMPENSATION TRUST FUND**

**SEC. 01. SHORT TITLE.**

This title may be cited as the ''Trade Injury Compensation Act of 2000''.

**SEC. 02. FINDINGS.**

Congress makes the following findings:

(1) United States goods and services compete in global markets and it is necessary for trade agreements to promote such competition.

(2) The current dispute resolution mechanism of the World Trade Organization is designed to resolve disputes in a manner that brings stability and predictability to world trade.

(3) When foreign countries refuse to comply with a panel or Appellate Body report of the World Trade Organization and violate any of the Uruguay Round Agreements, it has a deleterious effect on the United States economy.

(4) A WTO member can retaliate against a country that refuses to implement a panel or Appellate Body report by imposing additional duties of up to 100 percent on goods imported from the noncomplying country.

(5) The World Trade Organization Dispute Settlement Body found in favor of the United States regarding the European Union's ban on United States beef produced with hormones and authorized retaliation subsequent to the European Union's failure to implement that decision.

(6) The United States beef industry has suffered by the European Union's continued noncompliance with the World Trade Organization ruling and should be remedied through the establishment of a Beef Industry Compensation Trust Fund until compliance is achieved.

(7) In cases where additional duties are imposed such as the United States beef and the European Union dispute, the additional duties should be used to provide relief to the United States beef industry that has been insured by noncompliance.

**SEC. 03. DEFINITIONS.**

In this title:

(1) URUGUAY ROUND AGREEMENTS.— The term ''Uruguay Round Agreements'' has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7).

(2) WORLD TRADE ORGANIZATION.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(3) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(4) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(5) INJURED PRODUCER.—The term ''injured producer'' means a domestic producer of a product (including an agricultural product) with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(6) BEEF RETALIATION LIST.—The term ''beef retaliation list'' means the list of products of European Union countries with respect to which the United States Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States as a result of the European Union's ban on the importation of United States beef produced with hormones .

**SEC. 04. BEEF INDUSTRY COMPENSATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Beef Industry Compensation Trust Fund'' (referred to in this title as the ''Fund'') consisting of such amounts as may be appropriated or credited to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN DUTIES.—

(1) IN GENERAL.—There are hereby appropriated and transferred to the Fund an amount equal to the amount received in the Treasury as a result of the imposition of additional duties imposed on the products on a United States beef retaliation list.

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) DISTRIBUTIONS FROM FUND.—Amounts in the Fund shall be available as provided in appropriations Acts, for making distributions in accordance with subsections (e) and (f).

(e) AVAILABILITY OF AMOUNTS FROM FUND.—From amounts available in the Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally recognized beef promotion and research board established for the education and market promotion of the United States beef industry for the following purposes:

(1) To provide assistance to United States beef producers to improve the quality of beef produced in the United States.

(2) To provide assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

(f) TERMINATION OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall cease the transfer of amounts equivalent to the duties on the beef retaliation list when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market and additional duties are no longer imposed on products listed on the beef retaliation list.

(2) DISTRIBUTION OF UNUSED FUNDS.—The Secretary of Agriculture shall distribute any unused funds in a manner that benefits the domestic beef industry.

(g) REPORT TO CONGRESS.—The Secretary of the Treasury shall, after consultation with the Secretaries of Agriculture, Commerce, and Labor, report to the Congress each year on the financial condition and the results of the operations of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

**SEC. 05. PROHIBITION ON REDUCING SERVICES OR FUNDS.**

No payment made to an injured producer under this title shall result in the reduction or denial of any service or assistance with respect to which the injured producer would otherwise be entitled.

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## COCHRAN (AND KOHL) AMENDMENT NO. 3927

Mr. COCHRAN (for himself and Mr. KOHL) proposed an amendment to amendment No. 3925 proposed by Mr. JEFFORDS to the bill, H.R. 4461, supra; as follows:

At the end of the amendment insert the following:

''(g) This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will: (1) pose no risk to the public's health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumer.''

## REED (AND LIEBERMAN) AMENDMENT NO. 3928

(Ordered to lie on the table.)

Mr. REED (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 117, line 12, before the period, insert the following: '', of which not less than $100,000 shall be available for the Connecticut and Rhode Island Sea Grant Programs for conducting a cooperative study of lobster shell disease in Long Island Sound, Rhode Island Sound, and Narragansett Bay''.

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## REED AMENDMENTS NOS. 3929–3931

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3929

On page 34, line 23, before the period at the end, insert the following: '': *Provided further*, That of the funds available for emergency watershed protection activities, $1,200,000 shall be available for the Natural Resources Conservation Service, in cooperation with the town of North Kingstown, Rhode Island, to develop alternative ground water sources to alleviate severe streamflow depletion in the Hunt River watershed, Rhode Island''.

AMENDMENT NO. 3930

On page 33, line 13, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

AMENDMENT NO. 3931

On page 33, line 13, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

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## ABRAHAM AMENDMENT NO. 3932

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 15, line 3, after the semicolon insert the following: ''and for Michigan State University to study the economic impact of an extension of the Andean Trade Preference Act on Peruvian asparagus imports, $50,000;''.

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## ABRAHAM (AND SCHUMER) AMENDMENT NO. 3933

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by them to amendment No. 3457 previously submitted by Mr. LEVIN to the companion measure, S. 2536, to the bill, H.R. 4461, supra; as follows:

On page 2, lines 16 through 23, strike all after ''(b)'' and insert,

''QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance

provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.''

## JOHNSON AMENDMENTS NOS. 3934–3936

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3934

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

AMENDMENT NO. 3935

On page 89, after line 29, add the following:

SEC. 1111. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.—(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

''(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

''(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter; or

''(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or''; and

(3) in subsection (h) (as so redesignated), by striking ''or (e)'' and inserting ''(e), or (f)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

AMENDMENT NO. 3936

On page 75, before line 17, insert the following:

SEC. 740. USE OF FUNDS TO GRADE CERTAIN IMPORTED AGRICULTURAL PRODUCTS.—The Secretary of Agriculture shall not use any funds made available to the Secretary under this Act, including funds generated from user fees, for the grading of beef, lamb, or mutton (including beef, lamb, and mutton products) imported into the United States.

## AKAKA AMENDMENT NO. 3937

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

At the appropriate place add the following:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices. *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## HARKIN AMENDMENT NO. 3938

Mr. REID (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 25, line 11, before the period, insert the following: '': *Provided further,* That none of the funds made available under this heading may be used by the Secretary of Agriculture to label, mark, stamp, or tag as ''inspected and passed'' meat, meat products, poultry, or poultry products, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), that do not meet microbiological performance standards established by the Secretary''.

## AMIA JEWISH COMMUNITY CENTER ATTACK

## CHAFEE AMENDMENTS NOS. 3939–3940

Mr. BURNS (for Mr. L. CHAFEE) proposed two amendments to the resolution (S. Res. 329) urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; as follows:

AMENDMENT NO. 3939

On page 3, line 7 and 8, strike ''its promise to the Argentine people'' and insert ''other commitments''.

AMENDMENT NO. 3940

In the fourth whereas clause, insert ''at that time'' after ''forces''.

In the seventh whereas clause, insert ''has issued an arrest warrant against a leader of the Islamic Jihad but'' after ''Argentina''.

After the eighth whereas clause, insert the following:

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases;

RELATIVE TO THE IRAQ'S VIOLATION OF INTERNATIONAL AGREEMENTS

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SMITH OF NEW HAMPSHIRE AMENDMENTS NOS. 3941–3943

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed three amendments to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of the United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.

AMENDMENT NO. 3941

On page 3, between lines 3 and 4, insert the following:

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other international law;

On page 3, line 4, strike ''(A)'' and insert ''(B)''.

On page 3, line 8, strike ''(B)'' and insert ''(C)''.

On page 4, line 3, strike ''(C)'' and insert ''(D)''.

On page 4, line 8, strike ''(D)'' and insert ''(E)''.

On page 4, between lines 14 and 15, insert the following:

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

On page 4, line 15, strike ''(A)'' and insert ''(B)''.

On page 4, line 22, strike ''(B)'' and insert ''(C)''.

AMENDMENT NO. 3942

Insert immediately after the title the following:

Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;''.

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AMENDMENT NO. 3943

Amend the title to read as follows: ''Expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.''.

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SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

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BOND (AND KERRY) AMENDMENT NO. 3944

Mr. BURNS (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Extension of SBIR program.
Sec. 4. Annual report.
Sec. 5. Third phase assistance.
Sec. 6. Policy directive modifications.
Sec. 7. Report on programs for annual performance plan.
Sec. 8. Output and outcome data.
Sec. 9. National Research Council report.
Sec. 10. Federal agency expenditures for the SBIR program.
Sec. 11. Federal and State Technology Partnership Program.
Sec. 12. Mentoring Networks.
Sec. 13. Simplified reporting requirements.
Sec. 14. Rural outreach program extension.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of this Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

**SEC. 3. EXTENSION OF SBIR PROGRAM.**

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.''.

**SEC. 4. ANNUAL REPORT.**

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

**SEC. 5. THIRD PHASE ASSISTANCE.**

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

**SEC. 6. POLICY DIRECTIVE MODIFICATIONS.**

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

''(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

''(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

''(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

''(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

''(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

''(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

''(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).''.

**SEC. 7. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.**

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and''.

**SEC. 8. OUTPUT AND OUTCOME DATA.**

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 7 of this Act, is amended by adding at the end the following new paragraph:

''(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 4 of this Act, is amended by inserting before the period at the end '', including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) DATABASE.—

''(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

''(ii) the Federal agency making the award; and

''(iii) the date and amount of the award;

''(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

''(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

''(A) contains for each second phase award made by a Federal agency—

''(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

''(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

''(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

''(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

''(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

''(i) the name, size, and location, and an identifying number assigned by the Administration;

''(ii) an abstract of the project; and

''(iii) the Federal agency to which the application was made;

''(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

''(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

''(i) update information in the database concerning that award at the termination of the award period; and

''(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

''(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

''(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.''.

**SEC. 9. NATIONAL RESEARCH COUNCIL REPORTS.**

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

**SEC. 10. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.**

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

**SEC. 11. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a

business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

**"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**

''(a) DEFINITIONS.—In this section and section 35—

''(1) the term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section;

''(2) the term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program;

''(3) the term 'FAST program' means the Federal and State Technology Partnership Program established under this section;

''(4) the term 'mentor' means an individual described in section 35(c)(2);

''(5) the term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c);

''(6) the term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section;

''(7) the term 'SBIR program' has the same meaning as in section 9(e)(4);

''(8) the term 'State' means any of the 50 States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

''(9) the term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(C) State science and technology councils; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

''(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

''(i) TERMINATION.—The authorization to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

''(F) the Institutional Development Award Program of the National Institutes of Health; and

''(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

''(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

''(i) a State that is eligible to participate in that program; or

''(ii) a State described in paragraph (3); or

''(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

''(i) a State that is eligible to participate in a technology development program; or

''(ii) a State described in paragraph (3).

''(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

**SEC. 12. MENTORING NETWORKS.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 11(b)(2) of this Act, the following new section:

**''SEC. 35. MENTORING NETWORKS.**

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) third phase partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (d); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(d) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

**SEC. 13. SIMPLIFIED REPORTING REQUIREMENTS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following new subsection:

''(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.''.

**SEC. 14. RURAL OUTREACH PROGRAM EXTENSION.**

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking ''2001'' and inserting ''2005''.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking ''for fiscal year 1998, 1999, 2000, or 2001'' and inserting ''for each of the fiscal years 2000 through 2005,''.

## TIMBISHA SHOSHONE HOMELAND ACT

## INOUYE AMENDMENT NO. 3945

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes: as follows:

On page 22, line 20, strike ''(C)'' and insert ''(C)(i)''.

On page 23, between lines 2 and 3, insert the following:

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

On page 32, between lines 20 and 21, insert the following:

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

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## DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

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### SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3946

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Mitigation planning; hazard resistant construction standards.
Sec. 205. State administration of hazard mitigation grant program.
Sec. 206. Study regarding cost reduction.
Sec. 207. Fire management assistance.
Sec. 208. Public notice, comment, and consultation requirements.
Sec. 209. Community disaster loans.
Sec. 210. Temporary housing assistance.
Sec. 211. Individual and family grant program.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Public safety officer benefits for certain Federal and State employees.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Conforming amendment.

**TITLE I—PREDISASTER HAZARD MITIGATION**

**SEC. 101. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local communities from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical infrastructure and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards to existing and new construction at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of the critical infrastructure of communities;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing construction.

(b) PURPOSE.—The purpose of this Act is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical infrastructure and facilities after a natural disaster.

**SEC. 102. PREDISASTER HAZARD MITIGATION.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

**''SEC. 203. PREDISASTER HAZARD MITIGATION.**

''(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical infrastructure and facilities under the jurisdiction of the States or local governments.

''(b) APPROVAL BY DIRECTOR.—If the Director determines that a State or local government has identified all natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the Director, using amounts in the National Predisaster Mitigation Fund established under subsection (e) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (c).

''(c) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—Technical and financial assistance provided under subsection (b)—

''(1) shall be used by States and local governments principally to implement predisaster hazard mitigation measures described in proposals approved by the Director under this section; and

''(2) may be used—

''(A) to support effective public-private natural disaster hazard mitigation partnerships;

''(B) to ensure that new development and construction is resistant to natural disasters;

''(C) to improve the assessment of a community's vulnerability to natural hazards; or

''(D) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(d) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under subsection (a), the Director shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance; and

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State as a condition of receipt of the annual emergency management performance grant awarded to the State by the Federal Emergency Management Agency.

''(e) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The Director may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the Director for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the Director, the Secretary of the Treasury shall transfer from the Fund to the Director such amounts as the Director determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the

Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(f) MAXIMUM TOTAL FEDERAL SHARE.—Subject to subsection (g), the amount of financial assistance provided from the Fund shall not exceed an amount equal to 75 percent of the total costs of all hazard mitigation proposals approved by the Director under this section.

''(g) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The Director shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(h) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

**SEC. 103. INTERAGENCY TASK FORCE.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102) is amended by adding at the end the following:

**''SEC. 204. INTERAGENCY TASK FORCE.**

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of State and local government organizations and the American Red Cross.''.

## TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

**SEC. 201. INSURANCE.**

(a) IN GENERAL.—Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(1) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In''; and

(2) by adding at the end the following:

''(B) REQUIRED INSURANCE OR SELF-INSURANCE.—Not later than 1 year after the date of enactment of this subparagraph, the President shall promulgate regulations under which States, communities, and other applicants subject to paragraph (1) shall be required to protect property through adequate levels of insurance or self-insurance if—

''(i) the appropriate State insurance commissioner makes the certification described in subparagraph (A); and

''(ii) the President determines that the property is not adequately protected against natural or other disasters.

''(C) REGULATIONS.—In promulgating any new regulation requiring public structures to be insured to be eligible for assistance, the President shall—

''(i) include in the regulation—

''(I) definitions relating to insurance that are expressed in known and generally accepted terms;

''(II) a definition of 'adequate insurance';

''(III) the specific criteria for a waiver of any insurance eligibility requirement under the regulation;

''(IV) a definition of 'self-insurance' that is sufficiently flexible to take into consideration alternative risk financing methods;

''(V) available market research used in determining the availability of insurance; and

''(VI) a cost-benefit analysis; and

''(ii) consider—

''(I) alternative risk-financing mechanisms, including risk sharing pools and self-insurance; and

''(II) the use of independent experts in insurance, disaster preparedness, risk management, and finance to assist in developing the proposed regulation.''.

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)''.

**SEC. 202. MANAGEMENT COSTS.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

**''SEC. 322. MANAGEMENT COSTS.**

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

''(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.''.

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under subsection (b) of that section, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under section 322(b) of that Act.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of publication in the Federal Register of the management cost rates established under section 322(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)).

**SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.**

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The President may make contributions—

''(i) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility that is damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(ii) subject to paragraph (2), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(B) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(i) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(ii) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging;

''(iii) base and overtime wages for employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster; and

''(iv) other expenses determined appropriated by the President.

''(2) CONDITIONS FOR ASSISTANCE FOR PRIVATE NONPROFIT FACILITIES.—The President may make contributions for a private nonprofit facility under paragraph (1)(B) only if—

''(A) the facility provides critical infrastructure in the event of a major disaster;

''(B) the person that owns or operates the facility—

''(i) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(ii) has been determined to be ineligible for such a loan; or

''(C) the person that owns or operates the facility has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(3) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Appropriations of the Senate;

''(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section in the case of the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility—

''(A) that has previously been damaged, on more than 1 occasion, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), funds made available to a State or local government under this paragraph may be used to repair, restore, or expand other eligible public facilities, to construct new facilities, or to fund hazard mitigation measures, that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

''(ii) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(I) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(II) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), funds made available to a person under this paragraph may be used to repair, restore, or expand other eligible private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities owned or operated by the person, or to fund hazard mitigation measures, that the person determines to be necessary to meet a need for services and functions in the area affected by the major disaster.

''(ii) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(I) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(II) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations to establish procedures and the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 2 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

(e) DEFINITION OF CRITICAL INFRASTRUCTURE.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

''(10) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given the term by the President, but includes, at a minimum, the provision of power, water (including water provided by a nongovernment entity), sewer, wastewater treatment, communications, and essential medical care.''.

**SEC. 204. MITIGATION PLANNING; HAZARD RESISTANT CONSTRUCTION STANDARDS.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

**''SEC. 323. MITIGATION PLANNING.**

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of a disaster loan or grant under this Act, a State, local, or tribal government shall develop and submit for approval to the Director of the Federal Emergency Management Agency a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 5 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria;

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete; and

''(E) hazard resistant construction standards, as may be required under section 324.

**''SEC. 324. HAZARD RESISTANT CONSTRUCTION STANDARDS.**

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking ''section 409'' and inserting ''section 323''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

**SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.**

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) having in effect an approved mitigation plan under section 323; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

**SEC. 206. STUDY REGARDING COST REDUCTION.**

(a) STUDY.—The National Academy of Sciences shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report on the results of the study.

**SEC. 207. FIRE MANAGEMENT ASSISTANCE.**

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

**''SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland with urban interface that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

**SEC. 208. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 204) is amended by adding at the end the following:

**''SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.**

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(1) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(2) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.

''(d) NO LEGAL RIGHT OF ACTION.—Nothing in this section confers a legal right of action on any party.''.

**SEC. 209. COMMUNITY DISASTER LOANS.**

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

**SEC. 210. TEMPORARY HOUSING ASSISTANCE.**

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking ''In lieu of'' and inserting the following:

''(1) IN GENERAL.—In lieu of''; and

(2) by adding at the end the following:

''(2) LIMITATION ON ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided to a household under this subsection shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(B) ADDITIONAL ASSISTANCE.—The President may provide additional assistance to a household that is unable to secure temporary housing through insurance proceeds or loans or other financial assistance from the Small Business Administration or another Federal agency.''.

**SEC. 211. INDIVIDUAL AND FAMILY GRANT PROGRAM.**

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The President, in consultation and coordination with a State, may make a grant directly, or through the State, to an individual or a family that is adversely affected by a major disaster to assist the individual or family in meeting disaster-related necessary expenses or serious needs of the individual or family, if the individual or family is unable to meet the expenses or needs through—

''(1) assistance under other provisions of this Act; or

''(2) other means.'';

(2) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATIVE EXPENSES.—If a State determines that a grant to an individual or a family under this section shall be made through the State, the State shall pay, without reimbursement from any funds made available under this Act, the cost of all administrative expenses associated with the management of the grant by the State.'';

(3) by striking subsection (e); and

(4) by redesignating subsection (f) as subsection (e).

## TITLE III—MISCELLANEOUS

**SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

**''SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

**SEC. 302. DEFINITIONS.**

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

''(6) LOCAL GOVERNMENT.—The term 'local government' means—

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

**SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.**

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State or local emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

**SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.**

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

**''SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of the transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

**SEC. 305. CONFORMING AMENDMENT.**

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

**''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.**

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## TORRICELLI AMENDMENT NO. 3947

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4461; supra; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.**

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

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## DASCHLE AMENDMENTS NOS. 3948–3951

(Ordered to lie on the table.)

Mr. DASCHLE submitted four amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3948

On page 89, after line 19, add the following:

SEC. 1111. RENEWABLE ENERGY RESERVE.—(a) DEFINITIONS.—In this section:

(1) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means an agricultural commodity that can be used in the production of renewable energy, including corn, soybeans, and sugar.

(2) RESERVE.—The term ''reserve'' means the renewable energy reserve of eligible commodities established under section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a renewable energy reserve of eligible commodities, or any combination of eligible commodities, totaling, for each eligible commodity reserved, not more than the quantity of the eligible commodity in metric tons that is used in the United States in 1 year, as determined by the Secretary.

(c) REPLENISHMENT OF RESERVE.—

(1) IN GENERAL.—The Secretary may acquire an eligible commodity of equivalent value to an eligible commodity in the reserve—

(A) subject to paragraph (2), through purchases—

(i) from producers; or

(ii) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

(B) by designation by the Secretary of stocks of the eligible commodity of the Commodity Credit Corporation.

(2) CONDITION ON PURCHASE.—The Secretary may purchase an eligible commodity for the reserve under paragraph (1)(A) only when the market price of the eligible commodity is less than 100 percent of the economic cost of production of that commodity.

(d) RELEASE OF ELIGIBLE COMMODITIES.—The Secretary may sell an eligible commodity from the reserve to a renewable energy producer if the Secretary determines that such a sale is necessary to maintain competitive renewable energy production.

(e) STORAGE.—

(1) IN GENERAL.—An eligible commodity in the reserve shall be stored on-farm.

(2) FIRST RIGHT OF ORIGINAL PRODUCER.—The Secretary first shall offer to the original producer of an eligible commodity the opportunity to store the quantity of the eligible commodity.

(3) EQUITABLE STORAGE SYSTEM.—If the original producer declines to store an eligible commodity under paragraph (2), the Secretary shall distribute the storage opportunity among other eligible producers, in accordance with an equitable storage system to be developed by the Secretary.

(4) RATES.—The rate for the storage of an eligible commodity under this subsection shall be at least equal to the local commercial rate for the storage of comparable commodities in effect on the date on which the storage begins.

(5) MAINTENANCE OF QUALITY.—A producer that stores an eligible commodity under this subsection shall maintain the quality of the eligible commodity in accordance with regulations promulgated under subsection (f)(1).

(f) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section, including regulations that—

(1) specify requirements for maintenance of the quality of eligible commodities stored under subsection (e); and

(2) ensure, to the maximum extent practicable, that any eligible commodity released from the reserve is—

(A) used for its intended purpose; and

(B) not resold into 1 or more other markets.

AMENDMENT NO. 3949

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

**''SEC. 1235B. GOOD FAITH RELIANCE.**

''Notwithstanding any other provision of this subchapter, the Secretary may allow land that is enrolled in the conservation reserve under a contract entered into under this subchapter after January 1, 2000, and that is subsequently determined to be ineligible to be enrolled in the conservation reserve, to remain enrolled in, or be reenrolled into, the conservation reserve if, at the time at which the land was originally enrolled in the conservation reserve, the owner or operator of the land relied in good faith on a determination of the Secretary that the land was eligible to be enrolled in the conservation reserve.''.

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AMENDMENT NO. 3950

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

**''SEC. 1235B. GOOD FAITH RELIANCE.**

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this subchapter, to the extent the Secretary considers it desirable in order to provide fair and equitable treatment, the Secretary may provide equitable relief to an owner or operator that has entered into a contract under this subchapter, and that is subsequently determined to have violated the contract, if the owner or operator in attempting to comply with the terms of the contact took actions in good faith in reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary may—

''(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the conservation reserve; or

''(D) to reenroll all or part of the land covered by the contract in the conservation reserve; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).''.

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AMENDMENT NO. 3951

At the end of the bill, add the following:

## TITLE V—FARMERS AND RANCHERS FAIR COMPETITION

**SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.**

This title may be cited as the ''Farmers and Ranchers Fair Competition Act of 2000''.

**SEC. 5002. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

(b) PURPOSES.—The purposes of this title are to—

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

**SEC. 5003. DEFINITIONS.**

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, ''An Act to authorize association of producers of agricultural products'' (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the ''Capper-Volstead Act'').

(3) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) DEALER.—The term ''dealer'' means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) PROCESSOR.—The term ''processor'' means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

**SEC. 5004. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.**

(a) PROHIBITIONS.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 5008 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) VIOLATIONS.—

(1) COMPLAINTS.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) HEARING.—

(A) IN GENERAL.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) RIGHT TO HEARING.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) RESPONDENTS RIGHTS.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) HEARING LIMITATION.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) REPORT OF FINDING AND PENALTIES.—

(A) IN GENERAL.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) CIVIL PENALTY.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) TEMPORARY INJUNCTION AND FINALITY AND APPEALABILITY OF AN ORDER.—

(A) TEMPORARY INJUNCTION.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction, restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) APPEALABILITY OF AN ORDER.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) DELIVERY OF PETITION.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the

record of the proceedings under this subsection.

(D) PENALTY FOR FAILURE TO OBEY AN ORDER.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) RECORDS.—

(A) IN GENERAL.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) FAILURE TO KEEP RECORDS OR ALLOW THE SECRETARY TO INSPECT RECORDS.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) INSPECTION OF RECORDS.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) COMPENSATION FOR INJURY.—

(1) ESTABLISHMENT OF THE FAMILY FARMER AND RANCHER CLAIMS COMMISSION.—

(A) IN GENERAL.—The Secretary shall appoint 3 individuals to a commission to be known as the ''Family Farmer and Rancher Claims Commission'' (in this subsection referred to as the ''Commission'') to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) TERM OF SERVICE.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) REVIEW OF CLAIMS.—

(A) SUBMISSION OF CLAIMS.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) DETERMINATION.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) REVIEW.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) FUNDING.—

(A) IN GENERAL.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) AUTHORIZATION OF APPROPRIATION.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) NO PRECLUSION OF PRIVATE CLAIMS.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) AUTHORITY OF THE SECRETARY.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this title.

**SEC. 5005. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.**

(a) FILING PREMERGER NOTICES WITH THE SECRETARY.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) REVIEW OF THE SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) EXCEPTION.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) ACCESS TO RECORDS.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) PURPOSE OF REVIEW.—

(1) FINDINGS.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 5004(a) of this Act.

(2) REMEDIES.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) REPORT OF REVIEW.—

(1) PRELIMINARY REPORT.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) FINAL REPORT.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) IMPLEMENTATION OF THE REPORT.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) CONFIDENTIALITY OF INFORMATION.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

**SEC. 5006. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.**

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday

meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

**SEC. 5007. REPORT ON CORPORATE STRUCTURE.**

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

**SEC. 5008. MANDATORY FUNDING FOR STAFF.**

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this title, including a Special Counsel on Fair Markets and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

**SEC. 5009. GENERAL ACCOUNTING OFFICE STUDY.**

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

**SEC. 50010. AUTHORITY TO PROMULGATE REGULATIONS.**

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this title.

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## SANTORUM AMENDMENT NO. 3952

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds to be appropriated for the National Research Initiative, $2,000,000 is available for the National Robotics Engineering Consortium, in collaboration with other institutions renowned for nursery and landscape research, to address the development and economic evaluation of robotic and automated systems for the nursery industry.

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## ABRAHAM AMENDMENT NO. 3953

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 87, between lines 11 and 12, insert the following:

SEC. 7 . QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—The Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight, hail or other weather related disaster.

## NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, July 25, 2000, at 10 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 26, 2000, at 2:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of